

CPA  
13/1/02

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
 **DUPPLICATE**

**Address to:**  
**Commissioner for Patents**  
**Box CPA**  
**Washington, DC 20231**

|                        |  |
|------------------------|--|
| Attorney Docket No.    | 03560.002449. <span style="float: right;">1-11-02</span> |
| First Named Inventor   | Seiji TAKEUCHI et al.                                    |
| Examiner Name          | F. Assaf   |
| Group Art Unit         | 2872   |
| Express Mail Label No. |  |

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/393,966, filed on September 10, 1999, entitled  
OPTICAL ELEMENT AND OPTICAL SYSTEM.

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

1.  Enter the unentered amendment previously filed on November 13, 2001, under 37 CFR § 1.116 in the prior nonprovisional application.
2. a.  A preliminary amendment is enclosed.
- b.  The applicant intends to file additional papers in this case shortly. Should the Examiner take this case up for action before receiving such papers, it is respectfully requested that the Examiner contact the attorneys for the applicant.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a.  DELETE the following inventor(s) named in the prior nonprovisional application:  


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b.  The inventors to be deleted are set forth on a separate sheet attached hereto.

4.  An Associate Power of Attorney is enclosed.

5. Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

01/04/2002 EABUBAKI 00000111 061205 09393966

|           |         |    |
|-----------|---------|----|
| 01 FC:115 | 110.00  | OP |
| 02 FC:131 | 740.00  | OP |
| 03 FC:102 | 924.00  | OP |
| 04 FC:103 | 2484.00 | OP |
| 05 FC:104 | 60.00   | CH |
|           | 220.00  | OP |

| CLAIMS | (1) FOR   | (2) NUMBER FILED | (3) NUMBER EXTRA              | (4) RATE                        | (5) CALCULATIONS |
|--------|---|------------------|-------------------------------|---------------------------------|------------------|
|        | TOTAL CLAIMS<br>(37 CFR § 1.16(c) or (i))                                     | 158-20 =         | 138                           | X \$ 18.00 =                    | \$ 2,424.00      |
|        | INDEPENDENT CLAIMS<br>(37 CFR § 1.16(b) or (i))                               | 14-3 =           | 11                            | X \$ 84.00 =                    | \$ 924.00        |
|        | MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))                  |                  |                               | \$280.00 =                      | \$ 280.00        |
|        |   |                  |                               | BASIC FEE<br>(37 CFR § 1.16(a)) | \$ 740.00        |
|        |   |                  | Total of above Calculations = |                                 | \$4,368.00       |
|        | Reduction by 50% for filing by small entity (Note 37 CFR §§ 1.9, 1.27, 1.28). |                  |                               |                                 |                  |
|        |   |                  |                               | TOTAL =                         | \$4,368.00       |

6. Small entity status

- a.  A Small entity statement is enclosed
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7.  Small entity status: Applicant claims small entity status. See 37 CFR § 1.27.

8.  A check in the amount of \$ 4,368.00 is enclosed.

9. The Commissioner is hereby authorized to credit overpayments or charge deficiencies in the following fees to Deposit Account No. 06-1205:

- a.  Fees required under 37 CFR § 1.16.
- b.  Fees required under 37 CFR § 1.17.
- c.  Fees required under 37 CFR § 1.18.

10.  Applicant requests suspension of action under 37 CFR § 1.103(b) for three months. (Fee of \$130.00 required under 37 CFR § 1.17(i) is enclosed).

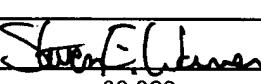
11. a.  Receipt For Facsimile Transmitted CPA (PTO/SB/29A).

b.  Return Receipt Postcard (Should be specifically itemized. See MPEP 503).

12.  Other Applicants petition the Examiner to extend the time for response for the Final Office Action dated April 5, 2001, from October 5, 2001 to January 5, 2002, and submit \$110.00. (Applicants submitted on October 5, 2001 a Notice of Appeal and a petition for a three-month extension of time with the requisite fees).

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

|                  |  |
|------------------|--|
| NAME             | Steven E. Warner   |
| SIGNATURE        |  |
| REGISTRATION NO. | 33,326   |
| DATE             | January 3, 2002  |